United Nations E/CN.5/2011/NGO/20

Economic and Social Council

Distr.: General
2 December 2010

Original: English

Commission for Social Development
Forty-ninth session
9-18 February 2011
Item 3 (a) of the provisional agenda*
Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly: priority theme: poverty eradication

Statement submitted by the Canadian Association of Elizabeth Fry Societies, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* E/CN.5/2011/1.

10-66490 (E) 211210

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Statement

1. The Canadian Association of Elizabeth Fry Societies exists to advocate for the human rights of criminalized women. Imprisonment of women is increasing at an alarming rate worldwide.

2. Internationally, the inextricable link between criminalization of women and poverty has been widely recognized. Most women prisoners are poor. Most are criminalized due to previous failures by Member States to meet their human rights obligations. The vast majority of women are imprisoned for minor, non-violent offences due to poverty. Women's vulnerability to committing poverty-driven crime is exacerbated by the continuing failure of Member States to eradicate poverty.

In Canada

3. In 2007, 2.9 million Canadians were living in poverty. Seventy per cent of people living in absolute poverty were women and girls. In 2005, social assistance rates for single-parent families in various provinces were 27-52 per cent below the poverty line; for single employable people, rates were 54-84 per cent below the poverty line. Women and youth account for 83 per cent of Canadian minimum wage earners, many of whom live in poverty.

4. Canada ranks near the bottom of 12 industrialized countries in terms of poverty reduction. Since 1995, there have been major cuts in social, medical and educational funding. Eighty per cent of applicants for community-based services designed to address poverty are being turned away. Evidence-based services are frequently replaced by knee-jerk responses in areas such as crime prevention, homelessness and restorative justice: programmes which presume criminality and perpetuate the problems of the poor. The United Nations has denounced these policy changes, which have increased the percentage of women living in poverty, and recognized that they contribute to the persistence of poverty among socially marginalized women.

5. Most criminalized women in Canada have a history of low levels of education, limited employment and poor housing conditions. Women are too often criminalized for activities driven by economic survival: 80 per cent of women prisoners are serving sentences for economic-related crimes, most involving fraud or theft of amounts under $5,000.

In Australia

6. The pattern is very similar in Australia. By the standard Australian measure, in 2006 2.2 million people (11.1 per cent of Australians) lived in poverty compared with 9.9 per cent in 2004 and 7.6 per cent in 1994. (Using the European measure, the number living in poverty in 2006 would nearly double to 3.8 million, or 19.4 per cent.) Approximately 70 per cent of people living in poverty are jobless. In 2005, Australia spent much less (3.2 per cent) than the average for the countries of the Organization for Cooperation and Development (6.5 per cent) on income support as a proportion of gross domestic product. Between 2003 and 2005/6, the number of households living in poverty while at least one member was in paid employment increased by 9.4 per cent. Australian women also have lower levels of workforce participation, are more likely to be engaged in low paid, casual and part-time work and are paid less than men for jobs requiring similar skills.

7. Australia, too, has seen significant cuts to services designed to alleviate or address poverty, in lieu of short-term, symptom-focused programmes.

8. Women commit fewer and less serious crimes than men and most incarcerated women are imprisoned for minor offences. In 2006, the average period served by women prisoners in Queensland was about two months. (This is in marked contrast with a mean aggregate sentence length for all Australian prisoners of approximately three years.) A staggering 60 per cent of imprisoned women in Australia (compared with 2 per cent of men) are first-time offenders. Despite no increase in crime, the number of women prisoners in Australia rose by 72 per cent between 1998 and 2008.

In both Canada and Australia

9. Criminalization is closely associated with family violence: the vast majority of women prisoners have a past history of abuse. Women are increasingly trapped in abusive relationships because they have no alternative in the absence of emergency accommodation and affordable housing; they earn lower wages than men, and waiting lists for subsidized childcare impede women from participating in employment or education.

10. Criminalized women are highly disproportionately members of social minorities including indigenous women, women with disabilities and young women. Multigenerational poverty is perpetuated through the criminalization of mothers.

11. Both Canada and Australia have a history of colonialization which has led to extreme poverty among their First Peoples. They were two of the only four Member States to vote against the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007. This underscores the depth of oppression of Aboriginal peoples of these countries. The ongoing impacts of colonialism, including economic poverty, cultural destruction, dispossession, criminalization and other forms of social marginalization, are beyond dispute.

12. In Canada in 2001, more than 36 per cent of Aboriginal women were living in poverty, compared to 17 per cent of non-Aboriginal women. Aboriginal young people were seven times more likely to be incarcerated than non-Aboriginal youth in 2005/6. In at least one region, the majority of women prisoners are Aboriginal. There are more indigenous youth in the child welfare care system today than when the residential schools were in place. Children living "on reserve" are identified as having significantly higher child welfare needs, yet they receive less funding than the other children. Only 3 out of 10 First Nations children living on reserves graduate from high school, due to lack of funding from the federal Government; 53 First Nations communities do not have schools and many off-reserve schools require expansion or repair. In 2008, the federal budget allocated only 23 per cent of the funding needed for Aboriginal child welfare. While a further $20 million were to be added to this funding in 2009, the budget still only covers a third of the required funds.

13. In Australia in 2006, the median income of indigenous households was 65 per cent that of non-indigenous households. In 2004 indigenous women were imprisoned at 21 times the rate of non-indigenous women; in 2008 indigenous young people were 28 times more likely to be imprisoned than non-indigenous youth. In Queensland, Australia, compared with non-indigenous women, indigenous

women are disproportionately imprisoned on remand, sentenced to prison, classified as high-security prisoners, placed in administrative segregation and serve their full sentence. Indigenous women prisoners are less likely to be functionally literate in English and typically have a lower level of education and employment.

14. It is clear that in both States, prisons function as the most comprehensive homelessness initiative for indigenous peoples. This is in direct contravention of their right to improvement in all aspects of their economic and social conditions, protection of women and children from all forms of violence and discrimination, and special measures to counteract the damage of past wrongs.

15. Similar data are available on poverty as a key driver of criminalization among women with disabilities and young women. A complex interrelationship between poverty, homelessness, mental health issues, substance abuse and racial discrimination is clearly evident in both countries.

16. Most women prisoners are mothers of dependent children, and were the primary family income earner prior to imprisonment. Single-parent households headed by women are among the most impoverished families in Canada and Australia. The failure of the Governments to respect women's rights also breaches the rights of their children.

17. In Australia, the children of prisoners have been found to be five times more likely to be ultimately imprisoned. A Canadian study found that young people whose parents are marginalized, have mental health issues and/or are criminalized have a 62 per cent likelihood of being criminalized. Criminalization of mothers perpetuates poverty and condemns their children to a significantly increased risk of criminalization in later life.

Solutions

18. In the current global economic climate, the eradication of poverty is unlikely to occur without some redirection of funds. The Justice Reinvestment model advocated by the Australian Human Rights Commission and leading thinkers in the United States of America and the United Kingdom offers a means of addressing poverty and reducing criminalization.

19. Imprisoning women costs developed nations many billions of dollars annually. In Australia, in 2007-2008, $2.6 billion were spent on adult corrective services; the United States of America spends over $60 billion annually on prisons alone. Redirection of funds from prisons to poverty eradication is an immediate investment in meeting international human rights obligations and a long-term investment in reducing multigenerational poverty and crime.

20. It is essential that Member States work alongside affected communities, particularly indigenous communities, to develop national anti-poverty strategies with a long-term vision, measurable targets, clear timelines, articulated accountability measures and commensurate funding. National strategies should:

(a) Provide adequate and accessible income supports;

(b) Address immediate poverty-related needs, including culturally appropriate, community-based rental emergency housing, child welfare, and mental health and substance abuse support programmes;

(c) Provide affordable, appropriately located, publicly funded housing;

(d) Provide universal, publicly funded childcare;

(e) Improve the salaries and working conditions of low-wage workers, including by ensuring wage parity between men and women;

(f) Provide accessible, quality education and training for all.